

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VOLARIE SADEL JOHNSON, #1105875	§	
VS.	§	CIVIL ACTION NO. 6:05cv309
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

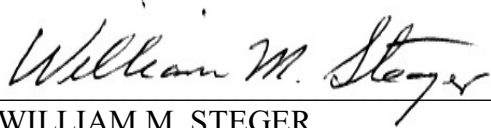
The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit.

The Petitioner was convicted of the offense of Murder in Gregg County on June 21, 2002. She did not appeal the conviction. The conviction became final on July 21, 2002. The present petition was due no later than July 21, 2003, in the absence of tolling provisions. It was not filed until more than two years later on August 16, 2005. The Petitioner has not shown that any tolling provision saves the petition. The Petitioner discussed the amount of time permitted for reviewing applications and motions, but the objections do not address the statute of limitations. The Petitioner has not shown that the petition should not be dismissed as time-barred. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

**SIGNED this 10th day of January, 2006.**

  
WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE